

REMARKS

The Office Action mailed July 11, 2011, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Office Action and therefore is believed to be timely without extension of time. Also, filed concurrently herewith is a *Request for Continued Examination*. Accordingly, Applicant respectfully submits that this response is being timely filed.

Claims 1, 2, 4-9 and 12 are pending in the present application, of which claims 1, 2, 4 and 5 are independent. Claims 1, 2, 4 and 5 are amended. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Office Action rejects claims 4 and 6 as obvious based on the combination of U.S. Patent No. 6,051,150 to Miyakawa, U.S. Patent No. 5,368,897 to Kurihara, U.S. Patent Application Publication No. 2002/0129902 to Babayan and U.S. Patent Application Publication No. 2004/0209190 to Mori et al. Paragraph 3 of the Office Action rejects claims 1 and 9 as obvious based on the combination of Miyakawa, Kurihara, Babayan, Mori and JP 11-240129 to Seki. Paragraph 4 of the Office Action rejects claims 5, 7, 8 and 12 as obvious based on the combination of Miyakawa, Kurihara, Babayan, Mori and JP 7-024579 to Inoue. Paragraph 5 of the Office Action rejects claim 2 as obvious based on the combination of Miyakawa, Kurihara, Babayan, Mori, Seki and Inoue. The rejections are traversed for the reasons advanced in detail below.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. “The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary

skill in the art.” In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Without conceding the basis for the Examiner’s rejections, independent claims 1 and 4 are amended to recite “a plasma treatment means having a plurality of reactive gas discharge ports and one set of electrodes,” independent claims 2 and 5 are amended to recite “a plasma treatment means having a plurality of reactive gas discharge ports and a plurality of sets of electrodes” and claims 1, 2, 4 and 5 are amended to recite “wherein the first reactive gas is discharged from a specific part of the plurality of reactive gas discharge ports.” These features are supported in the present specification, for example, by at least paragraph [0084] of the pre-grant publication of the present application, i.e., U.S. Patent Application Publication No. 2004/0253896, and Figure 25. Applicant respectfully submits that Miyakawa, Kurihara, Babayan, Mori, Seki and Inoue, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

Since Miyakawa, Kurihara, Babayan, Mori, Seki and Inoue do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Paragraph 7 of the Office Action rejects claims 4 and 6 under the doctrine of obviousness-type double patenting over the combination of claims 5, 10, 15, 19 and 23 of U.S. Patent No. 7,189,654 to Yamazaki, Kurihara and Babayan. Applicant respectfully submits that the independent claims of the subject application are patentably distinct from the claims of the Yamazaki patent, Kurihara and Babayan. As is discussed in greater detail above, without conceding the basis for the Examiner’s rejections, the independent claims are amended. In light of this amendment, Applicant respectfully traverses this ground for rejection and reconsideration of the pending claims is respectfully requested.

It is respectfully submitted that the claims of the present application are not a timewise extension of the invention as claimed in the Yamazaki patent, either alone or in

combination with Kurihara and Babayan. Reconsideration and withdrawal of the obviousness-type double patenting rejections are requested.

In view of the foregoing, Applicant respectfully requests allowance of the instant application. If a conference would be helpful in expediting prosecution of the instant application, the Examiner is invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,

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